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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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DEBNATH, SUMAN

ART UNIT	PAPER NUMBER
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2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/637,182	CROMER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Suman Debnath	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/8/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

*Shankar B. Das*  
AU2135

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/12/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-32 are pending in this application.

### ***Claim Objections***

2. Claims 1, 4, 5, 11, 12, 16, 22, 23, 26, 27 and 32 are objected to because there is insufficient antecedent basis for the following limitations:

Claim 1 recites "the location" in line 5.

Claim 4 recites "the group" in line 1.

Claim 5 recites "the location" in line 5.

Claim 11 recites "the group" in line 1.

Claim 12 recites "the location" in line 2.

Claim 16 recites "the physical location" in line 2.

Claim 22 recites "the group" in line 1.

Claim 23 recites "the physical location" in line 2.

Claim 26 recites "the group" in line 1.

Claim 27 recites "the location" in line 2.

Claim 32 recites "the group" in line 1.

Appropriate correction is required.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory

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obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-3, 6-9, 12-13, 16-19, 23-24 and 27-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4-6, 8-9, 12-13, 16-18, 20-21, 25, 28-30 and 32-33 of copending Application No. 10/637184. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claim the same inventive concept from slightly different points of view. Whereas the instant application claims "determining a location" and "assuming a selected location" and the copending application claims "accept personality" and "assume a selected personality." These limitations are obvious variations of the inventive concept and either set of limitations carries same results by implementing the same system (".....generally speaking, personality is used where convenience is desired. Location is used where security is of the utmost importance." - e.g., see [0035] of instant application or [0036] of copending application).

5. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Regarding claims 1-4 and 5-11, the language of the claim(s) raises a question whether the claim is directed merely to an abstract idea that is not tied to a environment or machine which would result in a practical operation producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. In particular, independent claims 1 and 5, directed to as a program per se claim (Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, 1760).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4, 12-15 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watts (Patent No.: US 6,327,623 B2) in view of Guzman et al. (Patent No.: US 7,058,847 B1), hereinafter Guzman.

10. As to claim 1, Watts discloses a program product comprising: a computer useable medium having computer readable program code stored therein, the computer readable program code in said program product being effective (abstract) when executing to: determine the location of a computer (column 8, lines 35-65) which has a storage device adapted to store various data files (column 16, lines 37-50) and assume a selected location in the computer based on the determined location (column 10, lines 40-60); files to be stored in the storage device according to the selected location (".....set at the directory holding the files located on the selected workspace"; e.g., see column 16, lines 37-50);

Watts doesn't explicitly disclose tag files to be stored and implement a filter which (a) passes files tagged according to the selected location and removes the tags applied by the code which is effective to tag and which (b) blocks files not tagged according to the selected location. However, Guzman discloses tag files to be stored (column 11, lines 60-67 - column 12, lines 1-10) and implement a filter which (a) passes files tagged according to the selected location and removes the tags applied by the code which is effective to tag ("...restoration engine 404 remove character fields and renames the restoration file .." - e.g., column 13, lines 5-15) and which (b) blocks files not tagged according to a selected location (column 11, lines 60-67 to column 12, lines 1-10,

Guzman teaching of blocking file not tagged by associating a specific unique identifier with the file name).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by tagging files to be stored and by implementing a filter to remove the tag and to block files not tagged as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

11. As to claim 2, Watts doesn't explicitly disclose the code which is effective to tag files is code which appends characters to the data file name. However, Guzman discloses the code which is effective to tag files is code which appends characters to the data file name (column 11, lines 60-67 - column 12, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by including the code which is effective to tag files is code which appends characters to the data file name as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

12. As to claim 3, Watts discloses that the location is determined by assessing a system resource (column 9, lines 35-67).

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13. As to claim 4, Watts discloses a system resource is selected from a group consisting of network settings and printer settings (column 9, lines 35-67).

14. As to claim 12, Watts discloses a method comprising the steps of: determining the location of a computer (column 8, lines 35-65) which has a storage device adapted to store various data files (column 16, lines 37-50) and assuming a selected location in the computer based on the determined location (column 10, lines 40-60); files to be stored in the storage device according to the selected location (".....set at the directory holding the files located on the selected workspace", e.g., see column 16, lines 37-50);

Watts doesn't explicitly disclose tag files to be stored and implement a filter which (a) passes files tagged according to the selected location and removes the tags applied by the code which is effective to tag and which (b) blocks files not tagged according to the selected location. However, Guzman discloses tag files to be stored (column 11, lines 60-67 to column 12, lines 1-10) and implement a filter which (a) passes files tagged according to the selected location and removes the tags applied by the code which is effective to tag ("...restoration engine 404 remove character fields and renames the restoration file .." - e.g., column 13, lines 5-15) and which (b) blocks files not tagged according to a selected location (column 11, lines 60-67 - column 12, lines 1-10, Guzman teaching of blocking file not tagged by associating a specific unique identifier with the file name).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by tagging files to be

stored and by implementing a filter to remove the tag and to block files not tagged as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

15. As to claim 13, Watts doesn't explicitly disclose the method wherein said tagging is one which appends characters to the data file name. However, Guzman discloses the method wherein said tagging is one which appends characters to the data file name (column 11, lines 60-67 to column 12, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by including a method wherein said tagging is one which appends characters to the data file name as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

16. As to claim 14, Watts discloses that the method wherein the location of said determining step is determined by assessing a system resource (column 9, lines 35-67).

17. As to claim 15, Watts discloses the method wherein the system resource is selected from the group consisting of network settings and printer settings (column 9, lines 35-67).

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18. As to claim 23, Watts discloses apparatus comprising: a location switch which determines the physical location of a computer (column 8, lines 35-65) having a storage device capable of storing various data files (column 16, lines 37-50), the location switch indicating a selected location based on the determined location (column 10, lines 40-60);

Watts doesn't explicitly disclose a tagger which is coupled to said location switch and which tags files to be stored in the storage device by modifying the names of the files according to the selected location as indicated by said location switch; and a filter which is coupled to said location switch and which (a) passes files tagged according to the selected location by restoring each file name to the name existing prior to the modification performed by said tagger and which (b) blocks files not tagged according to the selected location.

However, Guzman discloses a tagger which tags files to be stored in the storage device by modifying the names of the files according to the selected location (column 11, lines 60-67 to column 12, lines 1-10); and a filter which (a) passes files tagged according to the selected location by restoring each file name to the name existing prior to the modification performed by said tagger ("...restoration engine 404 remove character fields and renames the restoration file .." - e.g., column 13, lines 5-15) and which (b) blocks files not tagged according to the selected location (column 11, lines 60-67 - column 12, lines 1-10, Guzman teaching of blocking file not tagged by associating a specific unique identifier with the file name).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by tagging files to be stored and by implementing a filter to remove the tag and to block files not tagged as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

19. As to claim 24, Watts doesn't explicitly disclose apparatus wherein the data file name modification is one which appends characters to the data file name. However, Guzman discloses apparatus wherein the data file name modification is one which appends characters to the data file name (column 11, lines 60-67 - column 12, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by including the data file name modification is one which appends characters to the data file name as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

20. As to claim 25 Watts discloses the apparatus wherein the location is determined by assessing a system resource (column 9, lines 35-67).

21. As to claim 26, Watts discloses the apparatus wherein the system resource is selected from the group consisting of network settings and printer settings (column 9, lines 35-67).

22. Claims 5-11, 16-22 and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watts in view of Guzman and further in view of Kataoka et al. (Patent Number: 5,857,021), hereinafter Kataoka.

23. As to claim 5, Watts discloses a program product comprising: a computer useable medium having computer readable program code stored therein, the computer readable program code in said program product being effective (abstract) when executing to: determine the location of a computer (column 8, lines 35-65) which has a storage device adapted to store various data files (column 16, lines 37-50) and assume a selected location in the computer based on the determined location (column 10, lines 40-60); files to be stored in the storage device according to the selected location wherein the contents of the files are stored on the storage device (".....set at the directory holding the files located on the selected workspace", e.g., see column 16, lines 37-50); wherein, when at least one application is executed in the computer, a change in the selected location based on a newly determined location does not require termination of the at least one application (column 10, lines 40-60).

Watts doesn't explicitly disclose tag files to be stored in an encrypted format and implement a filter which (a) passes files tagged according to the selected location and

removes the tags applied by the code which is effective to tag files and decrypts the contents of tagged files which have been stored in an encrypted format on the storage device and which (b) blocks files not tagged according to the selected location.

However, Guzman discloses tag files to be stored (column 11, lines 60-67 to column 12, lines 1-10) and implement a filter which (a) passes files tagged according to the selected location and removes the tags applied by the code which is effective to tag files ("...restoration engine 404 remove character fields and renames the restoration file .." - e.g., column 13, lines 5-15) and which (b) blocks files not tagged according to a selected location (column 11, lines 60-67 - column 12, lines 1-10, Guzman teaching of blocking file not tagged by associating a specific unique identifier with the file name).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by tagging files to be stored and by implementing a filter to remove the tag and to block files not tagged as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

Neither Watts nor Guzman explicitly disclose storing file in an encrypted format and decrypting file that have been stored in an encrypted format on the storage device. However, Kataoka discloses storing file in an encrypted format (abstract, FIG. 6) and decrypting file that have been stored in an encrypted format on the storage device (abstract, FIG. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the teaching of Watts and Guzman by storing file

in an encrypted format and decrypting file that have been stored in an encrypted format on the storage device as taught by Kataoka in order to provide "a reliable security systems to protect information in storage media from unauthorized access." (Kataoka)

24. As to claims 16 and 27, these are rejected using the same rationale as for the rejection of claim 5.

25. As to claim 6, Watts discloses selecting location (column 10, lines 40-60). Watts doesn't explicitly disclose the code which implements the filter further passes files tagged as universal irrespective of the selected location and thereby overrides the filter action (b) which otherwise blocks files not tagged according to the selected location. However, Guzman discloses the code which implements the filter further passes files tagged as universal irrespective of the selected location and thereby overrides the filter action ("...restoration engine 404 remove character fields and renames the restoration file ...." - e.g., column 13, lines 5-15) (b) which otherwise blocks files not tagged according to a selected location (column 11, lines 60-67 - column 12, lines 1-10, Guzman teaching of blocking file not tagged by associating a specific unique identifier with the file name).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by including the code which implements the filter further passes files tagged as universal irrespective of the selected location and thereby overrides the filter action (b) which otherwise blocks files

not tagged according to the selected location as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

26. As to claims 17 and 28, these are rejected using the same rationale as for the rejection of claim 6.

27. As to claim 7, Watts discloses the product wherein a call to selecting one of the location determinations performed by the code (column 8, lines 45-65, column 9, lines 35-65 and column 10, lines 40-55). Watts doesn't explicitly disclose calling a cryptographic processor, which determines the encryption performed by the code which implements, the filter, and the decryption performed the code, which implements the filter. However, Guzman discloses the code which implements a filter ("...restoration engine 404 remove character fields and renames the restoration file .." - e.g., column 13, lines 5-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by including codes which implements a filter as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

Neither Watts nor Guzman explicitly disclose calling a cryptographic processor, which determines the encryption and decryption performed. However, Kataoka discloses calling a cryptographic processor, which determines the encryption and decryption performed (abstract, FIG. 6 and FIG. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the teaching of Watts and Guzman by storing file in an encrypted format and decrypting file that have been stored in an encrypted format on the storage device as taught by Kataoka in order to provide "a reliable security systems to protect information in storage media from unauthorized access." (Kataoka)

28. As to claims 18 and 29, these are rejected using the same rationale as for the rejection of claim 7.

29. As to claim 8, neither Watts nor Guzman discloses the product wherein the cryptographic processor called is a trusted platform module. However, Kataoka discloses the product wherein the cryptographic processor called is a trusted platform module (FIG. 6 and FIG. 7, Kataoka discloses trusted platform module by validating identification before encrypting or decrypting any data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the teaching of Watts and Guzman by including a product wherein the cryptographic processor called is a trusted platform module as taught by Kataoka in order to provide "a reliable security systems to protect information in storage media from unauthorized access." (Kataoka)

30. As to claims 19 and 30, these are rejected using the same rationale as for the rejection of claim 8.

31. As to claim 9, Watts doesn't explicitly disclose code which is effective to tag files is code which appends characters to the data file name. However, Guzman discloses the code which is effective to tag files is code which appends characters to the data file name (column 11, lines 60-67 - column 12, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Watts by including the code which is effective to tag files is code which appends characters to the data file name as taught by Guzman in order to access a file system related to a specific workspace in a secure manner.

32. As to claim 20, it is rejected using the same rationale as for the rejection of claim 9.

33. As to claim 10, Watts discloses that the location is determined by assessing a system resource (column 9, lines 35-67).

34. As to claims 21 and 31, these are rejected using the same rationale as for the rejection of claim 10

35. As to claim 11, Watts discloses a system resource is selected from a group consisting of network settings and printer settings (column 9, lines 35-67).

36. As to claims 22 and 32, these are rejected using the same rationale as for the rejection of claim 11.

### ***Conclusion***

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO 892.

Dube (Patent Number: US 7,177,426 B1) discloses a method for electronic file protection using location.

Small et al. (Patent Number: US 5,642,303) discloses a method for time and location based computing for portable device.

Farchmin et al. (Patent No.: US 7,043,316 B2) discloses location based programming and data management in an automated environment.

Hamid et al. (Patent No.: US 7,137,008 B1) discloses flexible method of user authentication.

Wright et al. (Pub. No.: Pub. No.: US 2004/0123150 A1) discloses protection of data accessible by a mobile device.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suman Debnath whose telephone number is 571 270 1256. The examiner can normally be reached on 8 am to 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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